REMARKS

Claims 1, 3, 6 - 8, and 10 - 19 have been amended. No new matter has been introduced with these amendments, all of which are supported in the specification as originally filed. Claims 1 - 8 and 10 - 19 remain in the application.

I.   Rejection under 35 U.S.C. §101

Paragraph 4 of the Office Action dated August 10, 2005 (hereinafter, "the Office Action") states that Claims 1 - 8 and 10 - 17 are rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. In addition, page 4 discusses §101 issues regarding Claims 18 and 19. Applicants respectfully submit that the amendments provided herein to independent Claims 1, 18, and 19 resolve any concerns regarding statutory subject matter, and the Examiner is therefore respectfully requested to withdraw the §101 rejection.

II.   Rejection under 35 U.S.C. §112, second paragraph

Paragraph 5 of the Office Action states that Claims 1, 6, 11 - 13, 15, and 17 - 19 are rejected under 35 U.S.C. §112, second paragraph as being indefinite. In particular, the terms "that", "such that", and "may be" are considered problematic, and the Office Action further states that pronouns are not permitted. For clarification, Applicants have replaced usage of "such that" with "from which" (Claim 1) or "wherein" (Claims 18 - 19), and respectfully note that the term "that" (when standing alone) has not been used in their claims as a pronoun, but rather as an adverb. Applicants further respectfully note that their claims do not contain the term "may be", and presume that this was a typographical error in the Office Action. Accordingly, Applicants

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respectfully request that the Examiner withdraw the §112 rejection.

III.   Rejection under 35 U.S.C. §102(e)

Paragraph 7 of the Office Action states that Claims 1 - 5, 7 - 8, and 10 - 19 are rejected

under 35 U.S.C. §102(e) as being unpatentable over Smith et al., U. S. Patent Publication

2003/0105765 (hereinafter, "Smith"). This rejection is respectfully traversed.

Applicants' claims are directed to indicating criteria for programmatically organizing

electronic objects (see, for example, Claim 1, lines 1 - 2). Smith, by contrast, pertains to

organizing electronic objects. See, for example, para. 0022, lines 1 - 3, "... an apparatus for

organizing a plurality of objects". In one approach to organizing objects, Smith's user manually

selects which objects form a particular group (see para. 0050, lines 6 - 9, "a group may be

designated by a user going through the set of objects 200 and selecting the objects that they wish

to be part of the group ..."). This manual approach is further discussed in para. 0077 (which

states that the selection "may be done by a user ... using the cursor control 105 or the keyboard

106 ...") and para. 0114 (stating that a new object can be placed in a group by the user selecting

the group, using the cursor control or keyboard).

In another approach, Smith's user defines keywords that are used to programmatically

organize objects into groups (see para. 0051, discussing "predefined parameters for designating

objects containing specific key words as part of a group ... without the need of a user [manually]

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selecting the objects"). So, using the example discussed in para. 0051, Smith's user can specify a person's name as a parameter/keyword, and all objects containing that person's name will be programmatically assigned to a group. This programmatic selection of group members is further discussed in para. 0077 ("... the system will select objects to be grouped based on these parameters") and para. 0106 (explaining that a new object can be programmatically added to a group, "without manual selection by a user", such that the object appears to the user as being "automatically" added to the group).

These approaches taught by Smith are patentably distinct from Applicants' claimed invention. Smith has no "settings that specify what manner of swiping indicates an identification of ... organizing criteria" (Claim 1, lines 6 - 7, emphasis added). As explained in Applicants' specification, a user might provide settings specifying that, whenever he or she swipes multiple times across an element of a rendered object representation, this signifies "that criteria selection according to the present invention is being requested" (p. 37, lines 10 - 12). Suppose, for example, that the user swipes across the term "Ethernet Project" in a text document (see reference number 1015 in Fig. 10A) or the Ford Mustang logo in a photo (see reference number 1020 of Fig. 10B). Further suppose that the user's defined settings specify that swiping 3 times is required to indicate that organizing criteria are being identified. If the user has swiped across the term or logo once or twice, then this swiping does not meet the requirements of the defined settings. Thus, the swiping may simply indicate that the term or logo is being selected in a conventional manner. (For example, perhaps the user will then use the selected term or logo in a

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copy and paste operation.) If, however, the user swipes across the term or logo 3 times, then this swiping does match the defined settings. Accordingly, this is interpreted, according to the claimed invention, as indicating that the user wants the term "Ethernet Project" or the Ford Mustang logo (whichever was swiped across 3 times) to become an organizing criteria. See the second limitation of Claim 1, lines 5 - 7, where a corresponding claim limitation is specified.

Continuing with the example, if the user swiped 3 times across the Ford Mustang logo, then this logo (e.g., a bitmap representation thereof) is "stor[ed] ... in a repository of criteria, from which the stored element [e.g., the stored Ford Mustang logo bitmap] can be selected for inclusion in a pattern to be matched again electronic objects for programmatically organizing the electronic objects" (Claim 1, lines 8 - 11, emphasis added). So, for example, the user might want to define "a pattern to be matched against" (Claim 1, line 10) a collection of stored photos, in order to find those photos picturing various types of cars, and in particular, photos of Ford Mustangs. (The user could also build a pattern containing additional logo bitmaps, if he or she desired to find additional types of cars.)

By contrast, Applicants find no discussion (or any suggestion) in Smith of any type of user-defined settings that indicate "if I swipe across a representation according to these settings, then the swiped-across representation is to be used as a criteria [i.e., is usable in patterns] for organizing electronic objects".

Accordingly, Applicants respectfully submit that their independent Claims 1, 18, and 19

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are patentable over the cited reference. Dependent Claims 2 - 8 and 10 - 17 are deemed patentable (at least) by virtue of the allowability of the independent claims.

The Examiner is therefore respectfully requested to withdraw the §102(e) rejection of all claims.
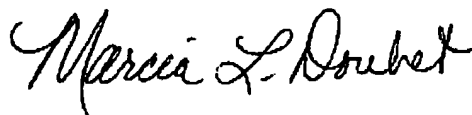
IV.   Allowable Subject Matter

Paragraph 8 of the Office Action states that Claim 6 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form to include all limitations of the base claim and any intervening claims. Applicants respectfully submit that independent Claim 1, from which Claim 6 depends, is allowable as currently presented.

V.   Conclusion

Applicants respectfully request reconsideration of the pending rejected claims, withdrawal of all presently outstanding rejections, and allowance of all remaining claims at an early date.

Respectfully submitted,

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